

### Remarks

No claims have been amended. No claims have been canceled. Therefore, claims 1, 3-6, 8-11, and 13-15 are presented for examination.

Claims 1, 3-6, 8-11 and 13-15 stand rejected under 35 U.S. C. § 102(e) as being anticipated by Rozas et al. (U.S. Patent No. 6,725,361). In response, applicant submits a revised declaration pursuant to 37 C.F.R. § 1.131 enclosed herewith to overcome the Rozas reference.

The submitted declaration shows that that the present application was conceived and reduced to practice in the United States prior to June 16, 2000, the effective filing date of Rozas. According to the MPEP §715.07 III, an applicant can establish prior invention of the claimed subject matter by showing “reduction to practice of the invention prior to the effective date of the reference.” MPEP §715.05 III further states that “proof of actual reduction to practice requires a showing that the apparatus actually existed and worked for its intended purpose.” As declared by the inventor and recorded in Exhibit A, the technique of the present application “has been implemented in a dynamic IA32→IA64 binary translator before the date of Exhibit A, July 7, 1999.” Therefore, the present application has been reduced to practice before the effective date of the prior art reference. Furthermore, the revised declaration is properly signed, and Exhibit A is clearly labeled.

Therefore, applicant submits that the above rejection has been obviated since Rozas has been overcome by the enclosed 37 C.F.R. §1.131 declaration.

Applicant emphasizes that submission of the enclosed declaration pursuant to 37 C.F.R. §1.131 should not be construed as an acquiescence to the any of the reasons for rejection set forth in the June 1, 2004 Office Action.

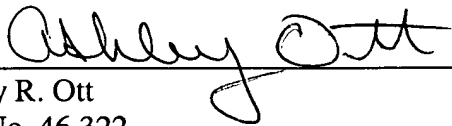
Applicant respectfully submits that the rejections have been overcome, and that the claims are in condition for allowance. Accordingly, applicant respectfully requests the rejections be withdrawn and the claims be allowed.

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,  
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

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